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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,203	03/11/2004	Haupt Rainer	11371-20	6176
<div>7590 07/11/2007</div> <div>Craig Summerfield Brinks Hofer Gilson & Lione Suite 3600 455 N. City Front Plazat Drive Chicago, IL 60126</div>				
			EXAMINER KAO, CHIH CHENG G	
			ART UNIT 2882	PAPER NUMBER
			MAIL DATE 07/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

7/14

Office Action Summary	Application No. 10/798,203	Applicant(s) RAINER, HAUPL	
	Examiner Chih-Cheng Glen Kao	Art Unit 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 22, 2007, has been entered.

Allowable Subject Matter

2. The indicated allowability of claim 10 in the previous Office action mailed January 24, 2007, is withdrawn in view of Khutoryansky et al. (US 5636259). Rejections based on the cited reference(s) follow.

Claim Objections

3. Claim 14 is objected to because of the following informalities, which appear to be minor draft errors including grammatical and/or lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following correction(s) may obviate the objection(s): (claim 14, line 7, "x-ray source; and"; deleting "and"), (claim 14, line 12, inserting --wherein-- before "a line extension"), and (claim 14, line 14, inserting --and wherein-- before "one of the lines").

For purposes of examination, the claim has been treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, 7-9, and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Khutoryansky et al.

5. Regarding claim 1, Khutoryansky et al. discloses a support system for an x-ray source, comprising a ceiling holding (fig. 3, via #394) including a mounting device (fig. 3, #154), and a support arm fixedly secured about a horizontal axis (fig. 3, #278 and 284) to the mounting device, such that the x-ray source (fig. 3, #112) is secured, rotatably about a substantially horizontal axis (fig. 3, #188), to the support arm, wherein a lower edge of the mounting device (fig. 3, lower edge of #276) and a lower edge of the support arm (fig. 3, lower edge of #278) are disposed vertically below the horizontal axis of rotation (fig. 3, #188) of the x-ray source, and wherein the horizontal axis of rotation (fig. 3, #188) of the x-ray source is positioned on the support arm such that a portion of an envelope (figs. 8-13, exterior of #112) of the x-ray source remains below the lower edge of the support arm (fig. 3, lower edge of #278) and the lower edge of the mounting device (fig. 3, lower edge of #276) when the envelope is rotated plus or minus

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180 degrees (figs. 10 and 11, in particular) about the horizontal axis of rotation (figs. 8-13, #188).

6. Regarding claim 11, Khutoryansky et al. discloses a support system for an x-ray source, comprising a supporting platform (fig. 3, via #394) including a mounting device (fig. 3, #154), and a support arm fixedly secured about a horizontal axis (fig. 3, #278 and 284) to the mounting device, such that the x-ray source (fig. 3, #112) is secured, rotatably about a substantially horizontal axis (fig. 3, #188), to the support arm, wherein a lower edge of the mounting device (fig. 3, lower edge of #276) and a lower edge of the support arm (fig. 3, lower edge of #278) are disposed vertically below the horizontal axis of rotation (fig. 3, #188) of the x-ray source, wherein the horizontal axis of rotation (fig. 3, #188) of the x-ray source is positioned on the support arm such that a lower edge of the x-ray source (figs. 8-13, #112) is disposed below the lower edge of the support arm (fig. 3, lower edge of #278) and the lower edge of the mounting device (fig. 3, lower edge of #276), independently of an x-ray source angle of rotation about the horizontal axis (figs. 8-13, #188).

7. Regarding claim 2, Khutoryansky et al. further discloses wherein the support arm comprises a substantially right angled bend (fig. 3, #278 and 284).

8. Regarding claim 4, Khutoryansky et al. further discloses wherein the support arm (fig. 3, #278 and 284) is fixedly secured about a vertical axis to the mounting device (fig. 3, #154).

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9. Regarding claims 5 and 13, Khutoryansky et al. further discloses wherein the mounting device is substantially vertically adjustable (fig. 3, via #156).

10. Regarding claim 7, Khutoryansky et al. further discloses wherein a line extension of the horizontal axis of rotation (fig. 3, #188) of the x-ray source extends through the mounting device (fig. 3, #154).

11. Regarding claim 8, Khutoryansky et al. further discloses wherein a line extension of the horizontal axis of rotation (fig. 3, #188) of the x-ray source extends laterally to a vertical side (fig. 3, side of #154) of the mounting device.

12. Regarding claim 9, Khutoryansky et al. further discloses wherein the line extension of the horizontal axis of rotation (fig. 3, #188) of the x-ray source, that extends laterally to a vertical side (fig. 3, side of #154) of the mounting device, is parallel to lines extending along each of two side edges of the x-ray source (fig. 3, right and left side of #112), and wherein one of the lines (fig. 3, line of right side of #112) of one of the two side edges of the x-ray source (fig. 3, #112) extends on one vertical side of the mounting device (fig. 3, #154) and the other line (fig. 3, line of left side of #112) of the other side edge extends on another vertical side of the mounting device (fig. 3, #154).

13. Regarding claim 12, Khutoryansky et al. further discloses wherein the supporting platform is moveable (fig. 1, along #140 and 142).

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14. Regarding claim 14, Khutoryansky et al. discloses a support system for an x-ray source, comprising a ceiling holding (fig. 3, via #394) including a mounting device (fig. 3, #154), and a support arm fixedly secured about a horizontal axis (fig. 3, #278 and 284) to the mounting device, such that the x-ray source (fig. 3, #112) is secured, rotatably about a substantially horizontal axis (fig. 3, #188), to the support arm, wherein a lower edge of the mounting device (fig. 3, lower edge of #276) and a lower edge of the support arm (fig. 3, lower edge of #278) are disposed vertically below the horizontal axis of rotation (fig. 3, #188) of the x-ray source, wherein the horizontal axis of rotation (fig. 3, #188) of the x-ray source is positioned on the support arm such that a lower edge of the x-ray source (figs. 8-13, #112) is disposed below the lower edge of the support arm (fig. 3, lower edge of #278) and the lower edge of the mounting device (fig. 3, lower edge of #276), independently of an x-ray source angle of rotation about the horizontal axis (figs. 8-13, #188), wherein a line extension of the horizontal axis of rotation (fig. 3, #188) of the x-ray source extends laterally to a vertical side (fig. 3, side of #154) of the mounting device, and is parallel to lines extending along each of two side edges (fig. 3, top and right side of #112) of the x-ray source, and wherein one of the lines (fig. 3, line of right side of #112) of one of the two side edges of the x-ray source extends on one vertical side (fig. 3, side of #154) of the mounting device, and the other line (fig. 3, line of top side of #112) of the other side edge extends through the mounting device (fig. 3, #154).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khutoryansky et al. as applied to claim 1 above, and further in view of Horbaschek (US 2002/0118793).

Khutoryansky et al. discloses a system as recited above.

However, Khutoryansky et al. fails to disclose wherein a ceiling holder is rotatable about a substantially vertical axis.

Horbaschek teaches wherein a ceiling holder is rotatable about a substantially vertical axis (fig. 4 and paragraph 25, lines 6-9).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to modify the system of Khutoryansky et al. with the rotatable ceiling holder of Horbaschek, since one would have been motivated to make such a modification for more maneuverability (figs. 1-5) as implied from Horbaschek.

Response to Arguments

16. Applicant's arguments with respect to claims 1, 2, 4-9, and 14 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments filed June 22, 2007, have been fully considered but they are not persuasive.

Regarding at least claim 11, Applicant still traverses the rejection, but the examiner does not find Applicant's argument persuasive. Applicant argued that if a condition is sometimes true and sometimes not true, with respect to an angle, it is not independent of the the angle of rotation. The Examiner agrees with the above statement. However, Khutoryansky et al. does show that the condition is always true, with respect to an angle of rotation, wherein the angle of rotation is from 0 to 90 degrees (figs. 8-11, #112). Therefore, the condition is independent of an x-ray source angle of rotation, wherein the angle of rotation is from 0 to 90 degrees, and Khutoryansky et al. does meet all the limitations of claim 11.

In conclusion, Applicant's arguments are not persuasive, and the claims remain rejected.

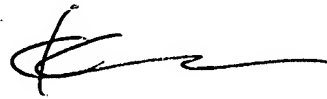
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chih-Cheng Glen Kao
Primary Examiner
Art Unit 2882